

Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Sethy v. Victoria's Secret Stores, LLC*, No. 1:23-cv-3452

Dear Judge Abrams:

Pursuant to the Court's April 1, 2024, Order, the parties write to update the Court on the status of the appeal of *Grant, et al. v. Global Aircraft Dispatch, Inc.* to the New York Court of Appeals.

As noted in the parties' prior correspondence, the court in *Grant* reached the opposite conclusion from the First Judicial Department in *Vega v. CM & Assoc. Constr. Mgt., LLC* and held that New York Labor Law does not provide for a private right of action for violations of NYLL § 191 claims for failure to pay manual workers on a weekly basis. As far as the parties are aware, *Grant* and *Vega* are the only two intermediate appellate courts to rule on this issue and the New York Court of Appeals has not addressed the matter. The plaintiff in *Grant* has sought reconsideration of the decision in the Appellate Division or, alternatively, an appeal to the Court of Appeals. As far as the parties are aware, the request to appeal is still pending.

Given the impact a New York Court of Appeals decision on this issue would have on the case, the parties request to extend the stay of this case for 90 days to determine the status of a *Grant* appeal for the reasons previously articulated. *See, e.g., Urena v. Sonder USA Inc.*, 22 Civ. 7736 (VM), 2024 U.S. Dist. LEXIS 60014 (S.D.N.Y. Mar. 28, 2024) (staying proceedings relating to NYLL § 191 claims until the motion for reconsideration/leave to appeal is decided in *Grant*). Specifically, the parties jointly request a continuance of the present stay for ninety (90) days, until September 2, 2024, to assess whether an appeal will proceed. Due to the parties' agreement, the parties also jointly request that the status conference currently set for June 7, 2024 be adjourned.

Respectfully,

Josef Nussbaum
Counsel for Plaintiff

Adam J. Rocco
Counsel for Defendant

Application granted. The parties shall provide a joint status letter proposing next steps by September 3, 2024. SO ORDERED.



Hon. Ronnie Abrams
U.S. District Judge
June 4, 2024